

RESOLUTION OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

To exempt the judiciary from across-the-board cuts to its enacted FY 2006 appropriations and to provide funding at least at the levels requested in its appeal to the conferees on H.R. 3058

Approved November 4, 2005

The Judicial Conference urges Congress and the President to exempt the Judicial Branch from any fiscal year 2006 across-the-board cuts to its enacted appropriations and to provide funding at least at the levels requested in the judiciary's appeal to the conferees on H.R. 3058 (The Departments of Transportation, Treasury, the Judiciary, and Housing and Urban Development Appropriations Act, 2006). The judiciary requires appropriate and timely funding to avoid compromising its core mission, the administration of justice. The American people must be assured that the United States courts are available to perform their constitutional and statutory duties.

The judiciary is still reeling from the impact of the across-the-board reductions experienced in fiscal years 2004 and 2005. Due to the nature of the judiciary's work, the courts' single greatest expense is funding for our dedicated and hard-working staff. When the judiciary receives across-the-board reductions to an already constrained funding level, we have little recourse but to apply them to court staffing. Across-the-board cuts applied to judiciary appropriations in fiscal years 2004 and 2005 resulted in the loss of about 1,800 court employees between October 2003 and March 2005. Since that time, courts have begun to fill some of their most critical vacancies, but staffing levels today are still 1,500 below those in October 2003. Over that same period, the courts have had to absorb growing law enforcement and homeland security related workload, especially along the Southwest Border, with fewer probation officers and clerks' office personnel. Office of Management and Budget officials inform us that no other component of the entire federal government was required to make such large staff reductions as the Judicial Branch was compelled to do. Another year of across-the-board reductions in funding would erode judiciary staffing further and severely jeopardize the performance of our constitutional duties.

The impact of recent cuts to the judiciary has been exacerbated by the exemption provided to Executive Branch agencies, such as the Department of Homeland Security (DHS), from these reductions. For example, without across-the-board reductions, DHS has been able to implement fully immigration and border enforcement initiatives, such as the hiring of 2,250 new border patrol agents since FY 2001. Conversely, the judiciary — which has been subject to across-the-board reductions resulting in massive staffing losses in FY 2004 and FY 2005 — has not had adequate personnel resources necessary to respond to the additional caseload resulting from these law enforcement initiatives.

Accordingly, the Judicial Conference urges the Congress and the President to exclude the judiciary from any across-the-board reductions and to provide funding at least at the level contained in the judiciary's request to House and Senate conferees.